

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 519

H.P. 404

House of Representatives, February 6, 2003

**An Act To Provide Testing for a Public Safety or Health Care
Employee Exposed to Body Fluids in the Course of Employment**

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MAIETTA of South Portland.
Cosponsored by Representatives: CARR of Lincoln, COURTNEY of Sanford.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 22 MRSA §832, sub-§9** is enacted to read:

6 9. Exception. An exception to the provisions of this section is provided under section 832-A for public safety or health care employees.

8 **Sec. 2. 22 MRSA §832-A** is enacted to read:

10 **§832-A. Exposure of public safety or health care employee**

12 When a public safety or health care employee has been exposed to blood or body fluid from another person in the course of the public safety or health care employee's employment, the employer shall cause a blood test to be performed on the other person to determine whether the employee has been exposed to a blood-borne pathogen. The department shall adopt rules for the collection of blood samples, performance of the test and notification of the person tested and of the exposed employee. Rules adopted pursuant to this section must provide for testing in a similar manner as testing for operation of a motor vehicle under the influence of alcohol or drugs under Title 29-A, chapter 23. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

26

28 **SUMMARY**

30 This bill requires testing for blood-borne pathogens when a public safety or health care employee is exposed to the blood or body fluids of another person in the course of employment. This bill establishes the new procedures as an exception to the general rule requiring judicial consent for a blood-borne pathogen test. The bill directs the Department of Human Services to adopt rules for testing in the same manner as testing for operating a motor vehicle under the influence of alcohol or drugs. The bill designates the rules as routine technical rules.